



House Journal

Adopted:
December 3, 2007

Third Day

Fourth Regular Session

Friday, August 31, 2007

The House of Representatives of the Fifteenth Northern Marianas Commonwealth Legislature convened its Third Day, Fourth Regular Session on Friday, August 31, 2007, at 10:10 a.m., in the House Chamber on Capitol Hill, Saipan, Commonwealth of the Northern Mariana Islands.

The Honorable Oscar M. Babauta, Speaker of the House, presided.

A moment of silence was observed.

The Clerk called the roll and fifteen members were present. Representative Manuel A. Tenorio came in late; Representatives Martin B. Ada, Florencio T. Deleon Guerrero, Jacinta M. Kaipat, and Absalon V. Waki, Jr. were excused.

Speaker Babauta: Clerk, please take note that Representative Tenorio will be coming in late. I understand that Representative Kaipat has a family wake today, Representative Ada, as well, has a personal family engagement. Therefore all members are excused. Again, without objection from the Floor, I appoint Representative Lizama as Floor Leader Pro Tem.

There was no objection raised from the Floor.

ADOPTION OF JOURNALS

None

INTRODUCTION OF BILLS

H. B. No. 15-298: A Bill for an Act to amend the Commonwealth Public Utilities Commission Act of 2006, and for other purposes.

Offered by: Rep. Justo S. Quitugua and seventeen others

Vice Speaker Quitugua: Mr. Speaker, due to the importance of this legislation I ask the indulgence of the members to place this on today's Bill Calendar, and with no objection, I would like for this to be introduced by the Committee of the Whole.

Several members voiced "no objection".

Speaker Babauta: I recognize Representative Torres.

Rep. Torres: Mr. Speaker, if I am not out of order I would like to say a little history here – if we could go back to refresh our memory of the April 18th Session, House Bill 15-252, the minimum deposit on CUC was offered by Representative Dela Cruz. I went back to the journal of April 18, as I remembered correctly that he introduced the bill plus seventeen others, but the attachment on the bill that is now

Public Law 15-80 shows only eight names. I would like to make a motion that the journal and for archives record purposes will show all eighteen members of the House who sponsored that particular bill.

Several members seconded the motion.

Speaker Babauta: Without objection I order the clerk to replace the preface of that particular public law to show that the entire membership of the Fifteenth House of Representatives co-sponsored Public Law 15-80.

Rep. Torres: If I may continue, that is a very good bill for all of us here coming back for re-election. Thank you.

Speaker Babauta: Thank you, Representative Torres.

H. B. NO. 15-299: A Bill for an Act to amend section 8248 of Title 1 of the Commonwealth Code to provide for flexibility, parity and accountability in the compensation paid to licensed professionals employed by the government of the Commonwealth of the Northern Mariana Islands, its agencies and instrumentalities, in order to attract and retain qualified and dedicated professionals to serve the needs of the Commonwealth; and for other purposes.

Offered by: Representative Oscar M. Babauta

Speaker Babauta: If there is no objection, the Chair would like to request for placement on today's Order of Business.

There was no objection from the Floor.

INTRODUCTION OF RESOLUTIONS

H. R. NO. 15-145: A House Resolution requesting the Department of Public Lands and the Division of Land Registration and Survey to form and convene a special joint committee to re-open and investigate the longstanding land claim dispute of the Estate of the late Pedro M. Aguon against the CNMI Government, and to urge that this matter be resolved expeditiously.

Offered by: Rep. Oscar M. Babauta and eleven others

Speaker Babauta: I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Thank you Mr. Speaker. Mr. Speaker, I have an unnumbered House Resolution but if I am not out of order can I request that we change this to House Joint Resolution?

Speaker Babauta: We will do that under the Resolution Calendar but go ahead and read the title then we will fix it later on.

Rep. Joseph Deleon Guerrero: Thank you Mr. Speaker.

H. R. NO. 15-146: A House Resolution to request the Commonwealth Utilities Corporation to cancel the Request for Proposal to privatize the CNMI's power business as a result of the findings and recommendation of the Office of the Public Auditor; to request the Commonwealth Utilities Corporation to float a bond to replace its faulty and dilapidated diesel engines and rehabilitate its power system as an alternative solution to the power crisis; to urge the Governor to support a performance

management contract of CUC rather than full privatization; to encourage the Commonwealth Development Authority to write off the Commonwealth Utilities Corporation's debt pursuant to Public Law 15-12.

Offered by: Representative Joseph P. Deleon Guerrero and ten others

(Note: H. R. No. 15-146 was later reassigned and numbered as H. J. R. No. 15-36)

Rep. J. Deleon Guerrero: If there is no objection, Mr. Speaker, I would like H. R. NO. 15-146 to be introduced by the Committee if the Whole.

There was no objection from the Floor

Speaker Babauta: So ordered. Just for the record, once we get to the Resolution Calendar the author will move to change the format from a House Resolution to House Joint Resolution. Floor Leader and clerk, take note of that.

Rep. Joseph Deleon Guerrero: Thank you, Mr. Speaker.

Speaker Babauta: I recognize Representative Torres.

Rep. Torres: I have an unnumbered House Resolution recognizing the Saipan World Resort for contributing to the anonymous payment for the CNMI Department of Public Safety's Police Banquet during Police Week and that the donor should be made public, and for other purposes. WHEREAS, the Department of Public Safety deserves recognition for its continued service to the community; and WHEREAS, the Saipan World Resort provided an Appreciation Banquet in May of 2007 for CNMI Police week; and WHEREAS, the Saipan World Resort has admitted it was a free police banquet; and WHEREAS, the Commissioner of the Department of Public Safety, Rebecca Warfield, should have cleared the acceptance of this substantial gift from the office of the Public Auditor; and WHEREAS, the donor of this substantial gift to the Department of Public Safety should be made public to prevent any rumors of preferential treatment or conflict of interest between the donor and the Department of Public Safety; and WHEREAS, the Saipan World Resort refuses to reveal the name of the donor that raises more suspicions and prevents transparency in government operations; and THEREFORE, BE IT RESOLVED, that the Fifteenth CNMI House of Representatives through this resolution expresses its recognition of the fine public service of the Department of Public Safety; and THEREFORE, BE IT FURTHER RESOLVED, that the Fifteenth CNMI House of Representatives desires that the Commissioner of Public Safety Rebecca Warfield, who should be a model of upholding the laws and ethics of the CMNI, should name the donor of this substantial gift to remove the appearance of any impropriety. Introduced by myself and if any other member would like to join me I certainly will not object to it. Thank you.

Speaker Babauta: Thank you. I will allow members under the Resolution Calendar who wishes to volunteer.

H. R. No. 15-147: A House Resolution recognizing the Saipan World Resort for contributing to the anonymous payment for the CNMI Department of Public Safety's Police Banquet during Police Week and that the donor should be made public, and for other purposes.

Offered by: Representative Stanley T. Torres

H. J. R. NO. 15-35: A House Resolution to approve the request of the Public School System to hire an administrative assistant and a bus driver certified as very critical to the continuous delivery of adequate services to the students of the CNMI under Public Law 15-28 as amended by Public Law 15-71, Section 2(d)(1)(C).

Offered by: Rep. Oscar M. Babauta and thirteen others

MESSAGES FROM THE GOVERNOR

GOV. COMM. 15-295: (8/20/07) From Acting Governor Villagomez certifying to the vacant position of a Youth Affairs Officer (Rota) for approval.

GOV. COMM. 15-296: (8/20/07) From Acting Governor Villagomez submitting a supplemental list of exemptions from PL 15-24.

GOV. COMM. 15-297: (8/20/07) From Acting Governor Villagomez informing the House that he signed into law S. B. NO. 15-87, SD1, HS1 (Amending the Professional Licensing Act). [Became **Public Law 15-77**]

GOV. COMM. 15-298: (8/20/07) From Acting Governor Villagomez informing the House that he signed into law H. B. NO. 15-286, SD2 (amending the Poker & Pachinko Machine Act) [Became **Public Law 15-78**]

GOV. COMM. 15-299: (8/21/07) From Acting Governor Villagomez informing the House that he signed into law H. B. NO. 15-249, HD1 (Tobacco Funds: \$10k Tanapag Learning Center; \$10k to PSS). [Became **Public Law 15-79**]

GOV. COMM. 15-300: (8/17/07) From Acting Governor Villagomez informing the House that he disapproved H. B. NO. 15-273 (Amending the PUC Act regarding privatization, rates, and fees) [Deadline 10/16/07]

GOV. COMM. 15-301: (8/24/07) Informing the House that pursuant to the Legislature's override, H. B. NO. 15-252, the "CUC Security Deposit Fairness Act of 2007", became **Public Law 15-80**.

GOV. COMM. 15-302: (8/24/07) Certification for an annual salary in excess of \$50,000 for Dr. Michael Deary.

Speaker Babauta: I recognize Representative Dela Cruz.

Rep. Dela Cruz: Mr. Speaker, on Gov. Comm. 15-300, I move to override the veto.

Several members seconded.

Speaker Babauta: The motion has been seconded to approve the veto message of Gov. Comm. 15-300 regarding H. B. NO. 15-273. Discussion on that motion? I now recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: You said the motion is to *approve the veto message*?

Speaker Babauta: To accept the motion of Representative Dela Cruz to approve the bill as vetoed by the Governor-- that is the clarification -- meaning to override the veto.

Rep. Joseph Deleon Guerrero: So clarified.

Speaker Babauta: Discussion on the motion? Clerk, call the roll.

The Clerk called the roll on the motion to override the Governor's Veto of House Bill 15-273:

Rep. Martin B. Ada	excused (absent)
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	excused (absent)
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	excused (absent)
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	abstained
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	excused (absent)
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	excused (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	no

Speaker Babauta: By a vote of eleven "yes" the override motion is hereby defeated. It requires two-thirds of the entire membership voting, meaning twelve "yes" to override.

Rep. Palacios: Mr. Speaker, point of clarification.

Speaker Babauta: On point of clarification, I recognize Representative Palacios.

Rep. Palacios: Legal Counsel, can you clarify the issue?

LC Catlett: It requires two-thirds of the total membership, so twelve.

Rep. Joseph Deleon Guerrero: Total members present?

LC Catlett: Not present and voting. Total members of each House.

Speaker Babauta: So whether we have fourteen today, it still requires twelve affirmative votes.

Rep. Joseph Deleon Guerrero: It does not matter.

Speaker Babauta: It does not matter. It requires two-thirds or twelve. Short recess.

The House recessed at 10:20 a.m.

RECESS

The House reconvened at 10:21 a.m.

Speaker Babauta: Clerk, please take note that Representative Tenorio is now in the Chamber. Good morning to Representative Tenorio and congratulations for having a full slate again. Do you have any bill or resolution to introduce before we move on? We can go back to Item 3 or 4. Without objection we will go back to Item 3.

There was no objection from the Floor and the House went to Items 3 and 4 to allow Representative Tenorio to introduced legislation.

INTRODUCTION OF BILLS

Speaker Babauta: I recognize Representative Tenorio.

H. B. NO. 15-300: A Bill for an Act to appropriate revenues from the Tobacco Control Fund; and for other purposes.

Offered by: Representative Manuel A. Tenorio

INTRODUCTION OF RESOLUTIONS

H. R. NO. 15-148: A House Resolution to urge the Governor to conduct a feasibility study on the development of a silver club community in Capitol Hill, Saipan.

Offered by Representative Manuel A. Tenorio and thirteen others

Rep. Tenorio: Thank you, Mr. Speaker. I would like for this resolution to be introduced by the Committee of the Whole, without objection from the members.

There was no objection from the Floor.

Rep. Torres: Point of clarification.

Speaker Babauta: On point of clarification, I recognize Representative Torres.

Rep. Torres: Mr. Speaker, is that the Committee of the Whole of the members present or the entire members of the House.

Speaker Babauta: You have raised a good point. I would probably recommend that only the members that are present this morning. I recognize Representative Palacios.

Rep. Palacios: Mr. Speaker, I would like to ask my colleague's indulgence to hold off on that until I have a chance to review the legislation. Thank you.

Speaker Babauta: The one Representative Tenorio had just introduce?

Rep. Tenorio: Did you say resolution or legislation?

Rep. Palacios: A resolution is legislation.

Rep. Tenorio: I am sorry -- I meant the bill or resolution. Mr. Speaker, can I make a copy and give my colleague?

Speaker Babauta: We will have it copied then we will discuss that under Item 15.

SENATE COMMUNICATIONS

None

HOUSE COMMUNICATIONS

Speaker Babauta: I recognize Representative Torres.

Rep. Torres: Thank you, Mr. Speaker. The memorandum that I have distributed addressed to the Chairman of the Health, Education and Welfare and the Vice Speaker on the subject of the questionable Northern Marianas College (NMC) payroll advances, I move that the memorandum and attachment be officially made a House document -- and for further discussion if it needs to be discussed. Thank you.

Speaker Babauta: Thank you, Representative Torres. Please take note that communication should be numbered as House Communication 15-44. I now recognize Vice Speaker Quitugua.

HSE. COMM. 15-44: (8/30/07) From Rep. Torres to the Chair and Vice Chair of the House Committee on HEW with regards to NMC payroll advances.

Vice Speaker Quitugua: Mr. Speaker, I would like to recognize our colleague Representative Yumul for taking the extra effort to make available a camera to video the sessions. Thank you, Representative Yumul.

Speaker Babauta: Thank you and the Chair thanks Representative Yumul for the free publicity that is taking place in this session. That communication by Representative Torres being officially introduced in the House is made part of this official session's record, therefore, I now ask and request the Committee on Health, Education and Welfare both the Chair and Vice Chair to continue looking into the allegations made by Representative Torres with respect to the payment of the approximately 175 employees of our Northern Marianas College whether that is within purview and authority of the NMC's Rules and Regulations and any statute permissive that allowed the NMC President to do just that as indicated in memorandum of Representative Torres. On the same note, may I also request the Committee of HEW to look into the special so-called bonuses that were allegedly made available to certain Public School System Administrators in the entire CNMI. So I ask again similar to what NMC has executed. I was told that bonuses were given to certain school administrators, principals and vice principals. We need to find out where those funds are coming from whether from the Compact Impact or from its regular appropriation so that we can be apprised of what is going on financially with these two educational institutions in the Commonwealth.

COMMUNICATIONS FROM THE JUDICIAL BRANCH

None

COMMUNICATIONS FROM THE RESIDENT REPRESENTATIVE

None

COMMUNICATIONS FROM DEPARTMENTS & AGENCIES

None

OTHER COMMUNICATIONS

None

REPORTS OF STANDING COMMITTEES

None

REPORTS OF SPECIAL AND CONFERENCE COMMITTEES

None

UNFINISHED BUSINESS

None

RESOLUTION CALENDAR

Speaker Babauta: Let us take a brief recess, so that we allow the Floor Leader Pro Tem to arrange the resolutions and bills that will be calendared on today's session. Short recess.

The House recessed at 10:26 a.m.

RECESS

The House reconvened at 10:27 a.m.

Speaker Babauta: I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Thank you Mr. Speaker. Can I ask the clerk to give me a number?

Speaker Babauta: It is H. J. R. No. 15-36.

Rep. Joseph Deleon Guerrero: Thank you Mr. Speaker. I would like to offer a motion to change the H. R. No. 15-146 that I have introduced earlier today to a House Joint Resolution which is now H. J. R. No. 15-36.

Several members seconded the motion.

Speaker Babauta: There is a motion on the floor offered by Representative Joseph Deleon Guerrero to change the House Resolution 15-146 to House Joint Resolution 15-36.

Rep. Joseph Deleon Guerrero: Mr. Speaker, before you do that can I also ask that the clerk make the necessary changes in the wordings including the heading and everywhere else.

Speaker Babauta: We will have that done. Clerk, take note of the technical corrections. Discussion? I recognize Representative Yumul.

Rep. Yumul: Just a suggestion to the author of the resolution because we are not sure when the Senate is going to meet that perhaps he can also consider allowing the House Resolution as well as the House Joint Resolution that way we can at least get our side out.

Speaker Babauta: The Senate will be meeting next week Thursday.

Rep. Yumul: Okay, thank you.

The motion to change House Resolution 15-146 to House Joint Resolution 15-36 has been seconded and carried by voice vote.

Speaker Babauta: So take note House Resolution 15-146 is now House Joint Resolution 15-36. I recognized the Floor Leader for the suspension motion.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move to suspend pertinent House Rules for the placement of H. R. NO. 15-145, H. R. NO. 15-147, and H. R. NO. 15-148, and H. J. R. NO.14-35, and H. J. R. No. 15-36 on the Resolution Calendar for disposition.

Several members seconded the motion.

Rep. Dela Cruz: Mr. Speaker I would like clarify whether House Resolution 15-146 was placed on today's calendar also?

Speaker Babauta: To clarify again House Resolution 15-146 is now House Joint Resolution 15-36.

Rep. Dela Cruz: Okay.

The motion to suspend pertinent House Rules for the placement of H. R. NO. 15-145, H. R. NO. 15-147, and H. R. NO. 15-148, and H. J. R. NO.14-35, and H. J. R. NO. 15-36 on the Calendar was seconded and carried by voice vote.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the adoption of H. R. NO. 15-145.

The motion was seconded.

H. R. No. 15-145: A HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC LANDS AND THE DIVISION OF LAND REGISTRATION AND SURVEY TO FORM AND CONVENE A SPECIAL JOINT COMMITTEE TO RE-OPEN AND INVESTIGATE THE LONGSTANDING LAND CLAIM DISPUTE OF THE ESTATE OF THE LATE PEDRO M. AGUON AGAINST THE CNMI GOVERNMENT, AND TO URGE THAT THIS MATTER BE RESOLVED EXPEDITIOUSLY.

Speaker Babauta: I invite members who wish to participate on this resolution to just endorse your name with the clerk. I recognize Representative Tebuteb.

Rep. Tebuteb: Mr. Speaker, I do support the legislation I am just curious of where this property is located at?

Speaker Babauta: The present property is located where the families of the late Tun Pedro Aguon are now presently residing, we call it the family estate up in the Papago area east of Mt. Tapochau ridge. I recognize Representative Torres.

Rep. Torres: I am not going to vote against the resolution, but I would like clarification -- is that a short exchange of less than five hectares? I think the resolution states that it is six hectares and a little more than six hectares.

Speaker Babauta: Correct. This is requesting the two agencies to convene and form a task force to look into the matter whether or not the claim made by the late Mr. Aguon and his family warrants moving forward and if not then we will allow those responsible agencies to determine whatsoever.

Rep. Torres: So it will be in their hands and not ours?

Speaker Babauta: Yes. Any more discussion?

There was no further discussion and the motion to adopt H. R. NO. 15-145 was carried by voice vote.

Speaker Babauta: H. R. NO. 15-145 is hereby adopted by the House. You may continue, Floor Leader.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the adoption of H. R. NO. 15-147.

H. R. NO. 15-147: A HOUSE RESOLUTION RECOGNIZING THE SAIPAN WORLD RESORT FOR CONTRIBUTING TO THE ANONYMOUS PAYMENT FOR THE CNMI DEPARTMENT OF PUBLIC SAFETY'S POLICE BANQUET DURING POLICE WEEK AND THAT THE DONOR SHOULD BE MADE PUBLIC, AND FOR OTHER PURPOSES.

The motion was seconded.

Speaker Babauta: The motion has been seconded. I recognize Representative Torres.

Rep. Torres: Mr. Speaker may I request that we hold onto that until the reproduction of the legislation.

Several members voiced no objection.

Speaker Babauta: Without objection, Floor Leader rephrase your motion for First Reading only.

Floor Leader Pro Tem Lizama: I so move, Mr. Speaker.

There being no objection the motion to pass H. R. NO. 15-147 on First Reading only was carried by voice vote.

Speaker Babauta: You may continue Floor Leader.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the adoption of H. R. No. 15-148.

H. R. NO. 15-148: A HOUSE RESOLUTION TO URGE THE GOVERNOR TO CONDUCT A FEASIBILITY STUDY ON THE DEVELOPMENT OF A SILVER CLUB COMMUNITY IN CAPITOL HILL, SAIPAN.

Several members seconded the motion.

Speaker Babauta: Under discussion, I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Mr. Speaker, first of all, I want to state that I support the Silver Club Community anywhere on Saipan but I am more inclined towards having it on private lands so that the public could also partake in this type of economic activity. We all know that public land leases for any kind of development are often times leased out at pennies per square meter. Why not encourage this development in private lands rather than public lands?

Speaker Babauta: To respond, I recognize the author Representative Tenorio.

Rep. Tenorio: I have no objection on Representative Deleon Guerrero's suggestion, Mr. Speaker, but if you really look at the state of the housing here on Capitol Hill, I say a good 60% are not being repaired most of them are in a dilapidated state. Secondly, we have the infrastructure already in place here if you want fast development and it could very well isolate it from areas like the criminal activities for the safety of the people who will be occupying this place. To me, if we can turn this area which is right next to the Capitol into a place where we could put people that can afford to maintain it and keep it clean and have their safety and at the same time make money for the government I think we should do it. I have no objection in using private property but one problem with getting a private property is that one, you have to be in the right location and two, the size has to be there. You are not looking at a one acre or one hectare lot. If you are going to develop a good size community it has to be big because you have to have a hospital, you need to have all the facilities. I would like to find one area on Saipan that has the capacity, for instance, to accommodate this kind of program. Like I said, I have absolutely no objection to that. (*End of Tape 1, side A*)... (*Beginning of side B*)...and then with the downsizing of government, I think they are going to have to vacate some of the buildings again. Look at the structures we have here now. Sooner and later we would have to knock these buildings down. Those are old structures and if they are not maintained the government will spend more money renovating them than actually knocking them down, selling it or leasing the property out. You have the roads, the sewer line, the water and the electrical system -- it is all in place so the basic infrastructure is there. I think it will be more attractive to developers to come in and look at the area. Aside from that the location is just perfect, Thank you.

Speaker Babauta: I am sure that this resolution will benefit in the long run as we continue to develop our economic base and I am glad that my distinguished Representative from Precinct II acknowledges that. Thank you.

There was no further discussion, and the motion to adopt H. R. No. 15-148 was carried by voice vote.

Speaker Babauta: H. R. NO. 15-148 is hereby adopted. I think some of the members requested to be co-sponsors of this resolution and take note that the Chair would also like to ink his name on the resolution. Continue, Floor Leader.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the adoption of H. J. R. No. 15-35.

Several members seconded the motion.

H. J. R. No. 15-35: A HOUSE JOINT RESOLUTION TO APPROVE THE REQUEST OF THE PUBLIC SCHOOL SYSTEM TO HIRE AN ADMINISTRATIVE ASSISTANT AND A BUS DRIVER CERTIFIED AS VERY CRITICAL TO THE CONTINUOUS DELIVERY OF ADEQUATE SERVICES TO THE STUDENTS OF THE CNMI UNDER PUBLIC LAW 15-28 AS AMENDED BY PUBLIC LAW 15-71, SECTION 2(d)(1)(C).

There was no discussion, and the motion to adopt H. J. R. No. 15-35 was carried by voice vote.

Speaker Babauta: H. J. R. NO. 15-35 is hereby adopted by the House. Continue, Floor Leader.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the adoption of H. J. R. No. 15-36.

Several members seconded the motion.

H. J. R. No. 15-36: A HOUSE JOINT RESOLUTION TO REQUEST THE COMMONWEALTH UTILITIES CORPORATION TO CANCEL THE REQUEST FOR PROPOSAL TO PRIVATIZE THE CNMI'S POWER BUSINESS AS A RESULT OF THE FINDINGS AND RECOMMENDATION OF THE OFFICE OF THE PUBLIC AUDITOR; TO REQUEST THE COMMONWEALTH UTILITIES CORPORATION TO FLOAT A BOND TO REPLACE ITS FAULTY AND DILAPIDATED DIESEL ENGINES AND REHABILITATE ITS POWER SYSTEM AS AN ALTERNATIVE SOLUTION TO THE POWER CRISIS; TO URGE THE GOVERNOR TO SUPPORT A PERFORMANCE MANAGEMENT CONTRACT OF CUC RATHER THAN FULL PRIVATIZATION; TO ENCOURAGE THE COMMONWEALTH DEVELOPMENT AUTHORITY TO WRITE OFF THE COMMONWEALTH UTILITIES CORPORATION'S DEBT PURSUANT TO PUBLIC LAW 15-12.

There was no discussion, and the motion to adopt H. J. R. NO. 15-36 was carried by voice vote.

Speaker Babauta: H. J. R. NO. 15-36 is hereby adopted by the House.

BILL CALENDAR

Speaker Babauta: Are we ready for Item 16?

Floor Leader Pro Tem Lizama: Ready, Mr. Speaker.

Speaker Babauta: Let me recognize Vice Speaker Quitugua first.

Vice Speaker Quitugua: Mr. Speaker, I offer a motion withdrawing the following Senate Bills: S. B. NO. 15-1, as concurred by the Chairman and Senate Bill 15-13 with the concurrence of the Vice Chairman. Thank you.

Speaker Babauta: There is a motion on the floor to withdraw from the respective committees, Senate Bill 15-1 and Senate Bill 15-13 as approved by the respective committee chairs. One is the Educational Financial Assistance Liability for those students who are not able to find work and the other one is regarding Executive Appointments.

The motion to withdraw from the respective committees S. B. NO. 15-1 and S. B. NO. 15-13 was seconded and carried by voice vote.

Speaker Babauta: State your point of clarification, Mr. Floor Leader.

Floor Leader Pro Tem Lizama: Mr. Speaker, on the withdrawal, is that to place the Senate bills on today's Bill Calendar?

Speaker Babauta: To be placed on today's Calendar. So if you add that on your list Floor Leader. I recognize Representative Torres.

Rep. Torres: Mr. Speaker, I did not know that my first bill which is introduced as H. B. NO. 15-146 has disappeared from the Bill Calendar and for what reason. but just to make it formal, I am making a motion to withdraw that from wherever it is now located and file it. That is the bill I introduced back in 2006 regarding the Second Political Status of the Northern Marianas that is supposed to be an active bill. So I am making a motion to recall and file because it has now been replaced by H. B. NO. 15-291.

Speaker Babauta: Correct. The Representative is requesting that the House recall H. B. NO. 15-146 on today's session and that the House's motion is to file it permanently and be replaced by H.B. 15-291.

The motion was seconded, and the motion to withdraw from the respective committee H. B. NO. 15-146 and file it permanently was carried by voice vote.

Speaker Babauta: I recognized Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. If there is no objection, I would like to request that H. B. NO. 15-300 be placed on today's Bill Calendar.

Several members voiced "no objection".

Speaker Babauta: Floor Leader, please include H. B. NO. 15-300. I now recognize our Floor Leader Pro Tem Lizama for the suspension motion for those bills to be placed and passed on today's Order of Business.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move to suspend Rule IX, Sections 8, 9, 10, and 11 for the placement of the following bills on today's Order of Business: H. B. NO. 15-298, S. B. NO. 15-1, S. B. NO. 15-13, H. B. NO. 15-299, and H. B. NO. 15-300.

The motion was seconded and carried by voice vote.

Speaker Babauta: You may proceed, Floor Leader.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the passage motion on First and Final Reading H.B. 15-290.

H. B. NO. 15-290: A BILL FOR AN ACT TO AMEND PUBLIC LAW NO. 1 5-74; AND FOR OTHER PURPOSES.

Several members seconded the motion.

Speaker Babauta: Discussion on H. B. NO. 15-290, the Utility Theft. Ready. Clerk, call the roll

The Clerk called the on the motion to pass H. B. NO. 15-290 on First and Final Reading.

Rep. Martin B. Ada	excused (absent)
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	excused (absent)
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	excused (absent)
Rep. Jesus SN. Lizama	yes

Rep. Crispin M. Ogo	yes
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	excused (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: By a fourteen “yes” H.B. 15-290 passes the House on First and Final Reading.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the passage of H. B. NO. 15-292 on First and Final Reading.

H. B. NO. 15-292: A BILL FOR AN ACT TO AMEND PUBLIC LAW NO. 15-74; AND FOR OTHER PURPOSES.

The motion was seconded.

Speaker Babauta: I recognize Representative Torres.

Rep. Torres: Mr. Speaker, I passed out a House Substitute, and I so move to amend.

The motion was seconded.

Speaker Babauta: The motion now is to substitute H. B. NO. 15-292. Discussion on H. B. NO. 15-292, House Substitute 1. I recognize Vice Speaker Quitugua.

Vice Speaker Quitugua: Just a minor amendment Mr. Speaker on page 2, line 13, to strikeout the word “one” and replace with “two”, and the change the number “100” to “200”. Thank you.

Representative Lizama seconded.

Speaker Babauta: The oral floor amendment offered by the Vice Speaker has been seconded, discussion on the oral amendment. I recognize Representative Torres.

Rep. Torres: Can I hear a little bit of an explanation why an additional 100?

Vice Speaker Quitugua: Mr. Speaker, I have seen and observed Notaries Public making more money because of the statute that we have that requires all legal documents be notarized. So, having a \$100.00 is more than enough for them to collect the fees, and by having \$200.00, they still can cover the fees and that will help the revenues of the government.

Rep. Torres: I rest my case.

Speaker Babauta: I think it is only fitting since we are increasing the term of a notary public from two years to four years that we have \$100.00 for every two years to the tune of \$200.00 for four years. I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: I was going to question whether this may give these notaries public a reason to raise their fees.

Rep. Torres: No. It is on page 5.

Rep. Joseph Deleon Guerrero: So clarified, Mr. Speaker.

Speaker Babauta: Thank you. Let me allow the counsel to briefly make some comments with respect to some technical changes that he would like to see happen on the bill for more clarity and legality purposes.

Ian Catlett: Thank you, Mr. Speaker. I just had a question on page 4, whether the sponsor would not object to a couple technical changes starting at line 4 to paragraph C. On line 5, changing it to "authorized" in the past tense, Notaries Public is the actual plural of that it is just technical amendments to the language.

Rep. Torres: Instead "to be authorize" it should say "to be authorized"?

Ian Catlett: That is correct.

Speaker Babauta: Say that again counselor?

Ian Catlett: It is on Line 5 it should be "authorized" and also the plural of "Notary Public" is "Notaries Public" it would be changes like that, it is nothing substantial.

Speaker Babauta: Okay. Does everybody get that? Anymore counselor?

Ian Catlett: I do not see any at the moment. Thank you.

Speaker Babauta: Representative Torres.

Rep. Torres: Are we back?

Speaker Babauta: We are still under discussion of the substitute.

Rep. Torres: I would like to say a little on why I came up with this amendment. I am a Notary Public myself and I experience--

Speaker Babauta: Representative Torres, my due apology to the Vice Speaker. May we dispose of his oral amendment first?

The motion to adopt the oral floor amendment offered Vice Speaker Quitugua was carried by voice vote.

Speaker Babauta: So we are now discussing H. B. NO. 15-292, HS1, HD1, you may have the floor Representative Torres.

Rep. Torres: For the all the members to understand why I am making these changes, I have been a Notary Public since the Trust Territory Administration up till now. I see the need that this must be modified and also to regulate the number of notaries that are questionable. I have known of some that have taken advantage of the liberty, the freedom of being a Notary Public and I suspect that some of these people are using it for other fraudulent activities. And there being that the shortage of Notaries Public, I included the eligibility for members of both houses, mayors and elected leaders of the CNMI if they choose to become Notaries Public. It is there, it is authorized so that we can extend the services to the community at anywhere and anytime within the Commonwealth. Also there are minor changes on page 5, line 11, subsection (h), you see that the word “party” is stricken out and replaced by the word “document”. If you have one document to be notarized by two persons then the Notary Public charges you \$2.00 each, so on one sheet of paper, instead of just charging \$2.00 he is charging \$4.00 and that is the fact. The changes also include replacing the words “United States government employee in the Commonwealth” with “or a transient U.S. citizen” which is open to any U.S. citizen within the CNMI, and that is about it. Thank you.

Speaker Babauta: Let me ask you just to clarify a paragraph on page 5. Under a Power of Attorney scenario, how much would that cost to be notarized?

Rep. Torres: To notarize a Power of Attorney it would be a simple \$2.00, but a Notary cannot draft a Power of Attorney it has to be done by a lawyer.

Speaker Babauta: So that falls under line 11?

Rep. Torres: Subsection (h).

Speaker Babauta: Is this similar, Representative Torres, with say an Affidavit of Support?

Rep. Torres: Any type of document, it does not matter how many pages because it will be only one person or two person signing a Power of Attorney to somebody so it is one Notary’s signature and stamp.

Speaker Babauta: The acknowledgement normally includes two documents: one is the Grantor and the other is the Grantee.

Rep. Torres: Well a grantee as accepting the appointment and it should be charged not more than \$2.00. Like in a case of a Nonresident Worker application or renewal, the employee and the employer has to sign the documents, and I get charged \$2.00 each.

Speaker Babauta: I have seen some legal documents where two different individuals appear together to have a document notarized simultaneously. So that is \$2.00 each?

Rep. Torres: It should not be according to this new bill; it should not be charged more than \$2.00 period.

Vice Speaker Quitugua: Mr. Speaker, in the current statute it says \$2.00 each, each party.

Speaker Babauta: Okay, now it is each document.

Vice Speaker Quitugua: Now Representative Torres is changing it to “document” instead of each “party”. So each document will only be charged \$2.00.

Rep. Yumul: Point of clarification, Mr. Speaker.

Speaker Babauta: Representative Yumul, please state your point of clarification.

Rep. Yumul: Mr. Speaker, there is going to be a problem with that because if you charge for the document and you need two parties to sign and the first person has the document notarized, the document leaves the notary’s hand, then the second party shows up with the same document wants his signature to be notarized. If you use “document” then technically you cannot charge a fee again for that same document. If they arrived jointly then it makes sense to charge one fee for two certifying both signatures but if the document leaves you get one half of a two-part notarized then the notary is obviously going to ask for the second party and to pay a \$2.00 fee because he was not present during the first time. If we put it as “document” then technically the notary cannot charge for that second and so if that is what we are trying to accomplish then so be it.

Rep. Torres: I think there is a simple way of doing that, just add the word “each set of document”.

Speaker Babauta: I do not think that is necessary. It is clarified. Representative Tenorio?

Rep. Tenorio: Mr. Speaker, this is just a question to the legal counsel. On the applications and qualifications for most commissions or boards one of the requirements is that a person does not commit a felony, but here it is of good moral character. What is a good moral character? Where do you draw the boundary line let us say for instance of a person qualifying to be a Notary Public -- he has to be of good moral character -- as opposed to boards and commissions where they must not have committed any felony or something. I think this is very lenient and you are dealing with legal papers. I am just curious whether we should make it stricter. Thank you.

Speaker Babauta: I recognized Ian.

Ian Catlett: Good moral character is not a rigid standard, it is flexible. If you want a more concrete standard you could put in “has not been convicted of a felony”, that is an objective measure. There is no set definition of good moral character.

Rep. Tenorio: So you can have a person who committed...

Speaker Babauta: You can have somebody with three DUI’s and still maintains a good moral character.

Rep. Tenorio: Seriously, where do we draw the line? Is it that important to put a restriction here that people who have committed felony cannot be a Notary Public? Thank you.

Speaker Babauta: Representative Torres, please continue.

Rep. Torres: I do not mind if Representative Tenorio inserts that “and have not committed a felony”.

Rep. Tenorio: Take a look at line 9, recommendation from a person with good moral standing, the person who has a good moral standing is the one recommending.

Speaker Babauta: Let us take a short recess.

The House recessed at 10:35 a.m.

RECESS

The House reconvened at 10:46 a.m.

Speaker Babauta: We are back to our plenary session, and we are discussing H. B. NO. 15-292, HS1, HD1, and I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Thank you Mr. Speaker, I would like to offer an oral floor amendment, on page 2, line 15 after the word “character,” insert “and has never been convicted of a felony, or if convicted, has been fully pardoned.”

The motion to amend H. B. NO. 15-292, HS1, HD2 offered by Representative Joseph Deleon Guerrero was seconded and carried by voice vote.

Speaker Babauta: We continue discuss H. B. NO. 15-292, HS1, HD2. I now recognized Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker, I would like to make an oral floor amendment on page 2, and to insert after Representative Joseph Deleon Guerrero’s amendment and after at least 18 years of age to include the words “and a high school graduate”. I think it is only prudent that if a person is to be a Notary Public, he or she does have the ability to read what he or she is notarizing.

Speaker Babauta: Let me clarify this with you, would GED be considered a high school graduate?

Rep. Yumul: “A high school diploma or equivalent”.

Several members seconded the motion.

Speaker Babauta: Representative Joseph Deleon Guerrero, state your point of clarification.

Rep. Joseph Deleon Guerrero: You first said “and a high school graduate” then you changed it to “diploma”.

Rep. Yumul: Upon the recommendation of the Speaker because of the GED equivalent, I rephrase my amendment to “a high school graduate or equivalent”.

Rep. Joseph Deleon Guerrero: Okay, so not high school diploma because if you use diploma, it would not fit into the language. After “at least 18 years of age” to include “and a high school graduate or equivalent”. Thank you.

The motion to adopt the oral floor amendment offered by Representative Yumul was seconded and carried by voice.

Speaker Babauta: We continue to discuss H.B. 15-292, HS1, HD3. Clerk, please call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-292, HS1, HD3 on First and Final Reading:

Rep. Martin B. Ada	excused (absent)
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	excused (absent)
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	excused (absent)
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	absent (during voting)
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	excused (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: With a vote of thirteen “yes” House Bill 15-292, HS1, HD3 passes the House on First and Final Reading.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the passage of H. B. NO. 15-288 on Second and Final Reading.

H. B. NO. 15-288: A BILL FOR AN ACT TO WAIVE THE EXEMPTION FEE CHARGED BY THE DEPARTMENT OF LABOR FOR THE HIRING OF NEW NONRESIDENT WORKERS BY NEW MAJOR TOURIST ORIENTED DEVELOPMENTS; AND FOR OTHER PURPOSES.

The motion was seconded.

Speaker Babauta: Discussion. I recognize the Vice Speaker.

Vice Speaker Quitugua: I would like to offer a minor amendment on page 2, line 6, after the word “workers” replace the period with a comma and insert the following words “except for those positions reserved for local residents.”

The motion was seconded.

Speaker Babauta: Under discussion, I recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Mr. Speaker, as I understand it this fee is only for hiring of new non-resident workers, correct?

Speaker Babauta: Correct.

Rep. Joseph Deleon Guerrero: So why would we need to exempt positions reserved for locals if there are no fees for locals. A developer would not have to pay a fee to hire locals.

Vice Speaker Quitugua: Probably the legal counsel can put this in a better form, Mr. Speaker. If we leave it as is, companies can hire nonresident workers for administrative assistant or cashier, not locals. So if they are hiring nonresident workers and not the local residents then they shall be charged \$500.00. This is to make sure that first they should first hire the local workers for the new positions that they are hiring as provided by law.

Rep. Joseph Deleon Guerrero: I think we should get some legal clarification on how it should be worded.

The House recessed at 11:21 a.m.

RECESS

The House reconvened at 11:27 a.m.

(End of Tape 1, side B)

(Beginning of Tape 2, side A)

(Recording of the session on Tape 2, side A follows. Note: Additional discussion on the amendment proposed by Representative Quitugua and the withdrawal was not recorded.)

Speaker Babauta: Any objection?

Several members voiced no objection, and the oral amendment offered by Representative Quitugua was withdrawn.

Speaker Babauta: We will allow that to be withdrawn. I now recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Thank you. Mr. Speaker, on page 2, line 6 after the word “workers” remove the period and insert the following, “necessary during the construction phase only of such development.”

Speaker Babauta: Is that clear?

The motion to adopt the floor amendment offered by Representative Joseph Deleon Guerrero was seconded and carried by voice vote.

Speaker Babauta: We continue to discuss H. B. NO. 15-288, HD1. I recognize Representative Yumul.

Rep. Yumul: Thank you, Mr. Speaker, I would like to ask the author if he would consider on page 2, line 3, to remove the word “tourist oriented” and leave the rest as is, I think at this time any major investment over \$10,000,000.00 is a worthwhile investment.

The motion to adopt the floor amendment offered by Representative Yumul to remove the words “tourist oriented” was seconded and carried by voice vote.

Speaker Babauta: It is now H. B. No.15-288, HD2. Clerk call the roll.

The Clerk called the roll on the passage of H. B. No. 15-288, HD2 on First and Final Reading:

Rep. Martin B. Ada	excused (absent)
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	excused (absent)
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	excused (absent)
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	absent (during voting)
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	excused (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: With a vote of thirteen “yes” H. B. NO. 15-288, HD2, passes the House of First and Final Reading. Continue Floor Leader.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the passage of H. B. NO. 15-213 on Second and Final Reading.

H. B. NO. 15-213: A BILL FOR AN ACT TO AMEND SECTION 503 OF PUBLIC LAW 15-28 TO ADD SUBSECTIONS (C) AND (D) FOR THE PAYMENT OF JUDGMENTS IN CIVIL ACTION NO. 04-0220E, AND CIVIL ACTION NO. 04-0238E (JUDGMENTS AGAINST THE GOVERNMENT); AND FOR OTHER PURPOSES.

The motion was seconded.

Speaker Babauta: I recognize Representative Seman for the official introduction of H. B. NO. 15-213, HS1.

Rep. Seman: Thank you, Mr. Speaker, during our last session I have passed out H. B. NO. 15-213, HS1, I am pretty sure that everyone should have a copy of that. I would now offer the substitute bill.

Several members seconded the motion.

Speaker Babauta: Discussion on H. B. NO. 15-213, HS1.

Several members voiced *ready*.

Speaker Babauta: Clerk call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-213, HS1 on First and Final Reading:

Rep. Martin B. Ada	excused (absent)
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Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	excused (absent)
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	excused (absent)
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	absent (during voting)
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	abstained
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	excused (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: With a vote of twelve “yes” and one “abstention” House Bill 15-213, HS1, passes the House on First and Final Reading. Without objection we will go back to Item 15 for Resolution Calendar.

Several members voiced *no objection*.

There being no objection the House went Resolution Calendar.

RESOLUTION CALENDAR

Speaker Babauta: For a motion for adoption under Resolution Calendar, I recognize the Floor Leader.

Floor Leader Pro Tem Lizama: Thank you Mr. Speaker, I move for the adoption motion for H. R. 15-147 on Final Reading.

H. R. No. 15-147: A HOUSE RESOLUTION RECOGNIZING THE SAIPAN WORLD RESORT FOR CONTRIBUTING TO THE ANONYMOUS PAYMENT FOR THE CNMI DEPARTMENT OF PUBLIC SAFETY’S POLICE BANQUET DURING POLICE WEEK AND THAT THE DONOR SHOULD BE MADE PUBLIC, AND FOR OTHER PURPOSES.

Several members seconded the motion.

The motion to adopt H. R. NO. 15-147 was seconded and carried by voice vote.

Speaker Babauta: H. R. NO. 15-147 is hereby adopted by the House.

BILL CALENDAR

Speaker Babauta: We are back to Item 16, and you may continue, Mr. Floor Leader.

Floor Leader Pro Tem Lizama: Thank you, Mr. Speaker. I move for the passage of S. B. NO. 15-1 on First and Final Reading.

S. B. No. 15-1: A BILL FOR AN ACT TO FORGIVE EDUCATIONAL FINANCIAL ASSISTANCE LIABILITY OF RETURNING COLLEGE STUDENTS WHO CANNOT FIND EMPLOYMENT WITH THE COMMONWEALTH DUE TO

BUDGETARY LIMITATIONS OR BECAUSE A POSITION IS FILLED BY A NON-RESIDENT WORKER; AND FOR OTHER PURPOSES.

Several members seconded.

Speaker Babauta: The motion has been seconded, discussion. Ready, Minority Leader.

Rep. Palacios: I would like to offer an oral floor amendment.

Speaker Babauta: Proceed.

Rep. Palacios: On the heading cross out the word “forgive” and replace it with the word “waive”, I so move, Mr. Speaker.

Several members seconded.

Speaker Babauta: Discussion on the amendment offered by the Minority Leader. Ready?

The motion to adopt the oral floor amendment offered by Representative Palacios was seconded and carried by voice vote.

Speaker Babauta: We continue to discuss S. B. NO. 15-1, HD1. Minority Leader, you have the floor.

Rep. Palacios: Mr. Speaker, in hindsight I would like to see this legislation go through and changing the heading would necessitate that it goes right back up to the Senate again with additional delay so I would like to ask the indulgence of the members that I would like to reconsider and withdraw my amendment.

Several members voiced “no objection”.

Speaker Babauta: There is no objection, so ordered. Clerk, take note that the amendment offered by the Minority never happened. Representative Tenorio.

Rep. Tenorio: Mr. Speaker, is financial assistance a form of a loan given to student? The scholarship is free, it is a grant, but if we offer financial assistance there are so many forms of financial assistance, such as loans which is a form of financial assistance at a minimum interest. So, do we forgive all those loan payments working for the government? I am just curious and I raise a point of clarification.

Speaker Babauta: Let me recognize the Minority Leader to clarify.

Rep. Palacios: The purpose of this legislation is not to impose onto – there are three basic educational financial assistances that we have. One is the teacher’s scholarship, honor scholarship what have you and the educational assistance program and a loan program, I do not know to what extent we have this loan program functioning, but this is basically is tailored towards those who are on scholarship or who have availed themselves to the educational assistance programs. When our children go to college and avail themselves of this they sign what is called a Memorandum of Agreement (MOA). One of the conditions of the MOA is that upon graduation from college they would have to come back to work for several years in our government. What we are finding out is a lot of our graduating students have basically stayed here looking for jobs and are not able to find jobs. A lot of them have submitted

applications, are qualified to work in other fields, some as teachers, but are not able to work. And because of that situation we are basically penalizing our college graduates. Thank you.

Speaker Babauta: You still have the floor, Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker. I am aware of this because I have heard in many cases where students come in after they graduate, but my concern is that if it is a loan there is a monetary obligation to repay it. All I want to know is who is paying it on behalf of the students. I understand the situation a lot of our students have to face. Once they have graduated they come here, they could not find a place to work, they stay for two or three months, no jobs, and get frustrated and move someplace else. I know it is unfair to impose on them something that the government itself cannot accommodate but that is not my question. I realize all of that. You give scholarships it is like an award, you do not expect to be paid back. A grant is an award. This is an academic award, you are given a scholarship because you are a straight "A" student. I do not think they ask you to pay the scholarship. That is why I am questioning the means of financial assistance -- if it is in a form of a loan, somebody has to pay that. I could be reading this wrong but if it is a loan then there is an obligation to pay that. So we are saying that we are forgiving that obligation so the government must be prepared to absorb all the costs of repayment of the loan. That is my question, Mr. Speaker, thank you.

Speaker Babauta: Let me further clarify, the heading says "Educational Financial Assistance" meaning we only have two financial assistance programs here in the CNMI program, for Saipan alone 1) is the standard Scholarship Program that we normally appropriate and 2) is the SHEFA. The CNMI government does not issue any student loan other than what is available in other educational programs abroad which is more or less a federal program. There is the PELL Grant, let me recognize the Vice Speaker.

Vice Speaker Quitugua: Mr. Speaker, our government no longer issues loans to our students, but does issue financial assistance and honor scholarships. These two programs require the students to return to the CNMI, including SHEFA, wherein the students sign, every school year, a Memorandum of Agreement that upon completion or if they quit college that they shall return and work in the CNMI. I think for every year that you receive financial assistance you have to work for two years in the CNMI, and if you do not return and work in the CNMI you would have to pay the total amount that you received as financial assistance back to the government. Mr. Speaker, the financial assistance that the students are receiving is so small that many of our students have to borrow under the federal student loan program to finance their education and that is a loan. And the federal government only requires you to start paying that loan back six months after college or quitting college. Mr. Speaker, I have met with some parents of these students who receive financial assistance of \$1,000.00 a semester and they had to borrow under the federal student loan program and they were here for three to four months with a total of about \$50,000.00 of federal student loan that they need to pay back. They have to go some where else to find a job because they cannot be hired here because there is no job available. Who is going to work for \$3.05 an hour in the private sector when you have a degree in engineering or architecture? This is the situation here, and it is going to be worst because of the economic situation. More jobs are not available in the CNMI. You can see that our people are leaving the CNMI to find jobs because they do not have jobs over here. This is the intent of this legislation, to help our students because it is not their fault that they cannot find jobs in the CNMI. They came over here looking for jobs but cannot get jobs. Thank you, Mr. Speaker.

Rep. Joseph Deleon Guerrero: I think Representative Tenorio is saying he does not question the assistance program, I think he was trying to get if it is a scholarship, it is not a grant, and it should not

be repaid back. I think that one of the reasons there was that MOA was a policy call. The government decided to use the scholarship as leverage to also identify areas where the government needs educated and qualified employees. And what it did and I forgot the exact term but its something like preferred field of study where for example we can focus to put some of our funding if we are in need of nurses and so we can provide scholarship to them and in return they come back and serve the government's needs to fill these nurses positions. And I think and I just wanted to say that to qualify why there was that MOA so it is also for the government's investment in these students to come back and fill our needs. But you are right and I agree with the intent of the bill is if that is the policy and they come back but then they are not hired why should they be held liable.

Vice Speaker Quitugua: I have seen and read the MOA that if the recipients do not return for whatever reason, even if they cannot find a job here, they have to pay the amount. It is not an assistance that the government gives you and then forgets. These students signed the agreement and have it notarized that they have to pay back if they do not return to the CNMI and work. And it is not their fault that they cannot find a job, and it is going to be worse here in the CNMI in the future. Thank you, Mr. Speaker.

Speaker Babauta: To close the debate, Representative Tenorio.

Rep. Tenorio: Thank you, Mr. Speaker I am not contesting, I understand the situation. I am merely saying if this is a policy made by the Board they should take out that policy because it is nonsense, or they should include in the MOA that this Memorandum of Agreement does not apply if you cannot find a job. If you are seriously looking for a job and the government cannot meet its obligation then the obligation is waived. It should be in that Memorandum of Agreement. Are we amending the Memorandum of Agreement? I am curious if there is a law that says that and we are amending that portion of the law. We are probably amending a regulation by the college. We could do that very well with a resolution.

Vice Speaker Quitugua: No, Mr. Speaker, these are promulgated rules and regulations. So it needs a statute and this bill is supposed to correct that and it will answer the question of Representative Tenorio.

Rep. Tenorio: Actually, if I had it my way all scholarship should be free and there are no conditions. That is an award given to the students, but we talk about financial assistance I am looking at it from a different standpoint because at times there are some teachers who have to go out, they get paid their salary and they get scholarship. I mean that is actually money coming out from this government. And they have to come back and teach. But this is a scholarship program and if it is on a merit basis, I see no reason why you have to put conditions to it. You know, sometimes you have to question these things.

Rep. Palacios: Mr. Speaker, the reason why to my understanding these policies are put together by the scholarship office and I agree with those that this is an investment to the Commonwealth and we would like to have these college students return. So that is the pennant and that is the background, the backdrop of this policy. Now, it is good to have this policy to the extent that we do not hold them hostage. If we cannot provide for these employments then we should allow flexibility. We have in the past tried either through letters to the scholarship office to reconsider these policies and provide for some flexibility to no avail and that is the reason why this legislation is before us. The legislation itself on page 2, line 9, does not necessarily outright forgive. It says, "upon presentation to the financial assistance authority all necessary documents showing that the recipient was willing and ready and able to enter government service but not employed due to the lack of financial resources" that is the whole intent. These individuals would have to give forth some good faith effort to come back and look for

jobs. We know of existing government hiring freeze, we are dealing with these issues so it is a vicious cycle that we have imposed on some of our graduates. I would like to have all our graduates to come back here and work, but in the event that we do not have jobs for them then we cannot hold them and impose this requirement on them. Thank you.

Speaker Babauta: Thank you. Similarly I just want to remind you that the House recently passed a legislation removing also one of the personnel regulations that requires experience with our graduating students primarily for teaching positions. Just to remind you again this is part of granting this. Ready.

Several members voiced *ready*.

Speaker Babauta: Clerk, call the roll on S. B. NO. 15-1 as is.

The Clerk called the roll for the passage on First and Final Reading Senate Bill 15-1:

Rep. Martin B. Ada	excused (absent)
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	excused (absent)
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	excused (absent)
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	absent (during voting)
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
<u>Rep. Taman</u> : Mr. Speaker, I would like to say a few words before I cast my vote. I certainly recognize the noble intention of this bill. And considering our economic conditions right now there is a need for us to institute policies of this nature. However, I would not like to see that because we can forgive this because of economic reasons that will make this Commonwealth relax and not continue to prepare employment for our returning college graduates. My vote is "yes". Thank you very much.	
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	excused (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: With a vote of thirteen "yes" Senate Bill 15-1, passes the House on First and Final Reading. Floor Leader continue.

Floor Leader Pro Tem Lizama: Thank you Mr. Speaker, I move for the passage motion on First and Final Reading S. B. 15-13.

S. B. No. 15-13: A BILL FOR AN ACT TO AMEND SECTION 503 OF PUBLIC LAW 15-28 TO ADD SUBSECTIONS (C) AND (D) FOR THE PAYMENT OF JUDGMENTS IN CIVIL ACTION No. 04-0220E, AND CIVIL ACTION No. 04-0238E (JUDGMENTS AGAINST THE GOVERNMENT); AND FOR OTHER PURPOSES.

Vice Speaker Quitugua seconded the motion.

Speaker Babauta: Discussion on the motion.

Vice Speaker voiced ready.

Speaker Babauta: I recognize Representative Yumul.

Rep. Yumul: Thank you. The bill aims to make amendments but Section 2 of the bill amendment is not reflective of 2904 so I am wondering if it is more proper to repeal and re-enact instead of making amendments because there are some missing languages.

Speaker Babauta: Would you care to expound on the missing wordings?

Rep. Yumul: For example on line 13, page 1, the date the person was appointed originally it says “was temporarily appointed”. So if we are striking it out, the language should be here crossed out.

Speaker Babauta: Counselor, for legal technicality is it more or less proper to just say amendment or repeal and re-enact?

Ian Catlett: Usually, if there is an amendment it would be the underlined or stricken language would be reflected as Representative Yumul indicated. But in any case whatever you enact whether you call it amended or re-enacted they are going to take whatever is there. The Law Revision Commission will take what ever you vote on that paragraph. So there is an added section at the end and I could make the underlining as necessary if you wanted me to do that.

Rep. Yumul: Yes. For clarity purposes that way we would know that what is existing, what we are striking out and then of course the addition would be underlined.

Speaker Babauta: I am sure there is an SOP with the Law Revision Commission and they would replace that particular section if this bill becomes law. Is that understandable Representative Yumul?

Several members voiced ready.

Speaker Babauta: Okay, Clerk, call the roll on S. B. NO. 15-13.

The Clerk called the roll on the motion to pass S. B. NO. 15-13 on First and Final Reading:

Rep. Martin B. Ada	excused (absent)
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	excused (absent)
Rep. Joseph P. Deleon Guerrero	yes
Rep. Jacinta M. Kaipat	excused (absent)
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	absent (during voting)
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	yes
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	excused (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: With a vote of thirteen “yes” Senate Bill 15-13, passes the House on First and Final Reading. At this time I would like to recognize the presence of our Vice President of the Senate, Senator Pete P. Reyes in the gallery. Floor Leader, continue.

Floor Leader Pro Tem Lizama: Thank you Mr. Speaker, I move for the passage of H. B. NO.15-299 on First and Final Reading.

H. B. No. 15-299: A BILL FOR AN ACT O AMEND SECTION 8248 OF TITLE 1 OF THE COMMONWEALTH CODE TO PROVIDE FOR FLEXIBILITY, PARITY AND ACCOUNTABILITY IN THE COMPENSATION PAID TO LICENSED PROFESSIONALS EMPLOYED BY THE GOVERNMENT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, ITS AGENCIES AND INSTRUMENTALITIES, IN ORDER TO ATTRACT AND RETAIN QUALIFIED AND DEDICATED PROFESSIONALS TO SERVE THE NEEDS OF THE COMMONWEALTH; AND FOR OTHER PURPOSES.

Vice Speaker Quitugua seconded the motion.

Speaker Babauta: The motion on the floor is for the passage on First and Final Reading H. B. NO. 15-299. I recognize Chairman Dela Cruz.

Rep. Dela Cruz: Thank you Mr. Speaker. I would like to make a simple amendment. On page 2, line 18, after the word “engineers” to strike out the word “~~and~~” and then it should be proceeded by “architects” and then to insert “, and one who possesses a doctorate degree” and then continue on with whose primary responsibilities.

The amendment offered by Representative Dela Cruz reads:

(b) Medical doctors and dentists, whose primary responsibilities include giving professional medical advice, U.S. or Commonwealth-licensed attorneys, certified public accountants, engineers, and architects, and one who possesses a doctorate degree whose primary responsibilities include practice within their profession, and professionals employed by the legislative branch may receive an annual salary in excess of \$50,000. For the executive branch, such salaries must be certified by the Governor to the presiding officers of the legislature and the Civil Service Commission. For the legislative branch, such salaries must be approved by the official with expenditure authority.

Several members seconded the motion.

Speaker Babauta: Discussion on that motion.

There was no discussion and the motion to adopt the oral floor amendment offered by Representative Dela Cruz to H. B. NO. 15-299 carried by voice vote.

Speaker Babauta: We continue to discuss H.B. 15-299, HD1. I recognize the Minority Leader Representative Palacios.

Representative Palacios: Thank you, Mr. Speaker. I understand the urgency of this legislation in terms of trying to accommodate -- and let us be frank, this is to primarily accommodate the Attorney General’s Office. But in reading findings and purposes of this legislation, Mr. Speaker, one of the reasons why we arrive at the necessity now to introduce this legislation is because we failed to insert the exemptions for these positions in P.L. 15-28, which is our Budget Act. If you read lines 6 through 13 on page 1, that is where the problem is. At the same time if you think about it, today is August 31,

tomorrow is September 1, 30 days before we are supposed to kick in the new FY 2008 Budget. We could address in our budget. It is a kind of a backward way of doing this in that we are exempting a class of employees before we even address the next fiscal year's budget. We are basically giving them an exemption of the salary cap. Make no mistake this is an outright exemption all the Governor has to do is just submit a certification to the Presiding Officer's of the Legislature and this Body really does not have any power to deliberate or look at it, it is a formality. My only reservation is that this is basically a wholesale exemption outside of the salary cap. I know that P.L. 7-31 capped this, and so did it cap a lot other positions in the government. Inclusive of today's some of the secretaries, department heads, inclusive of some the special assistants that are today are outside of the salary cap. I am not very comfortable at this point in time because it is really not clear. When we look at the whole issue of exempting just this particular positions, but what about the other positions that are not exempted that are already outside and over the salary cap as specified in Public Law 15-28. Are they in violation? That is my reservation and we need to take a look at this a little bit more and probably have dialogues with the Attorney General as to really what is the real need for this. And I am pretty sure he would be happy to come here and justify and explain to us, clarify it to us rather than us just acting on this particular legislation today, Mr. Speaker. I would like to recommend that we hold off and just pass it on first reading, if you are amenable, and ask the Attorney General to come and see us maybe next week and if we have another session next week we could accommodate this. I think you understand where I am coming from because absent the fiscal year budget where is the Attorney General is going to get the additional funds he is going to be tight also. On one end we give him expanded salaries on the other end we do not give him the full appropriations to accommodate this. So those are the unclear areas that I am concerned about.

Speaker Babauta: I am always amenable to any request made by any member. I share your logical concern and it is only wise that we further review with the participating agencies and not just the Attorney General. We will find out what agencies need these professional and technical skills or rather background that the government needs. So, Mr. Floor Leader, a subsidiary motion for First Reading only.

Floor Leader Pro Tem Lizama: I offer a subsidiary motion, Mr. Speaker, for First Reading only on H. B. No. 15-299, HD1.

Several members seconded the motion, and the motion to pass H. B. NO. 15-299, HD1 on First Reading only was carried by voice vote.

Speaker Babauta: Next bill, Floor Leader.

Floor Leader Pro Tem Lizama: Thank you Mr. Speaker, I move for the passage motion for H. B. NO. 15-298 on First and Final Reading.

H. B. No. 15-298: A BILL FOR AN ACT TO AMEND THE COMMONWEALTH PUBLIC UTILITIES COMMISSION ACT OF 2006, AND FOR OTHER PURPOSES

The motion was seconded

Speaker Babauta: Discussion. I recognize Chairman Dela Cruz.

Rep. Dela Cruz: Thank you Mr. Speaker, I would just like to make a simple amendment on page 1, line 13, after the words “business regulation,” and insert “be not, in a business or employed by a business regulated by the Commission.”

Speaker Babauta: I call for a short recess.

The House recessed at 11:35 a.m.

RECESS

The House reconvened at 11:49 a.m.

Speaker Babauta: We are back to our plenary session. You have the floor Chairman Dela Cruz.

Rep. Dela Cruz: Thank you Mr. Speaker. I am now retracting the earlier amendment on line 13, we will leave it in its original state; however, on line 14, after the word “engineering.” I would like to offer an amendment to insert a new sentence which reads “Commissioners shall not own or be employed by businesses or agency regulated by the Commission.”

The motion was seconded.

Representative Dela Cruz’s amendment reads, in part:

“§ 8403. Public Utilities Commission: Establishment and Commissioners.

(a) There is established in the Commonwealth Government the Public Utilities Commission, a regulatory agency, in accordance with Article III, Section 15 of the Constitution of the Northern Mariana Islands. The Commission shall be an independent agency within the executive branch of the Commonwealth Government and not part of any principal department. The Commission shall be composed of five (5) members to be called Commissioners. The Governor, subject to the advice and consent of both houses of the Commonwealth Legislature, shall appoint all five (5) Commissioners. Commissioners shall be of good ethical standing in their field of expertise and demonstrate experience in business regulation, in a business regulated by the Commission, in consumer affairs, finance, accounting, law, or engineering. Commissioners shall not own or be employed by a business or agency regulated by the Commission. The Governor shall seek to appoint members with experience in fields directly related to the businesses that the Commission regulates. One (1) Commissioner shall be a resident of the First Senatorial District, one (1) Commissioner shall be a resident of the Second Senatorial District, and three (3) Commissioners shall be residents of the Third Senatorial District.”

Speaker Babauta: Discussion on the oral amendment offered by Representative Dela Cruz.

There was no discussion and the motion to adopt the oral floor amendment offered by Representative Dela Cruz was seconded and carried out by voice vote.

Speaker Babauta: And we continue to discuss H. B. NO. 15-298, HD1.

There was no further discussion. The Clerk called the roll on the motion to pass H. B. NO. 15-298, HD1 First and Final Reading:

Rep. Martin B. Ada	excused (absent)
Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	excused (absent)

Rep. Joseph P. Deleon Guerrero	yes (with reservations)
Rep. Jacinta M. Kaipat	excused (absent)
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	absent (during voting)
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	absent (during voting)
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	excused (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: With a vote of twelve “yes” H. B. NO. 15-298, HD1, passes the House on First and Final Reading. Floor Leader, you may continue.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the passage of H. B. NO. 15-232, HS1 on Second and Final Reading.

H. B. No. 15-232, HS1: A BILL FOR AN ACT TO REPEAL AND RE-ENACT 3 CMC § 4437(h); AND FOR OTHER PURPOSES.

The motion was seconded.

Speaker Babauta: Discussion on the bill.

Several members voiced “ready”.

Speaker Babauta: Clerk, call the roll.

The Clerk called the roll on the motion to pass H. B. NO. 15-232, HS1 on First and Final Reading:

Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	excused (absent)
Rep. Joseph P. Deleon Guerrero	yes (with reservations)
Rep. Jacinta M. Kaipat	excused (absent)
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	absent (during voting)
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	absent (during voting)
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	excused (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: With a vote of twelve “yes” House Bill 15-232, HS1, under Standing Committee Report 15-53 passes the House on First and Final Reading.

Floor Leader Pro Tem Lizama: Mr. Speaker, I move for the passage of H. B. NO. 15-300 on First and Final Reading.

H. B. No. 15-300: A BILL FOR AN ACT TO APPROPRIATE REVENUES FROM THE TOBACCO CONTROL FUND; AND FOR OTHER PURPOSES.

The motion was seconded.

Speaker Babauta: Discussion on the bill. May I just make a point of clarification with the counsel – Counselor, what is the limitation on 3 CMC § 2177(a) to (d)?

Ian Catlett: I do not have it in front of me but the money is supposed to be spent on certain areas. I think we talked about this. There are restrictions -- public health purposes is what it is supposed to be spent on.

Speaker Babauta: We are appropriating \$60,000.00 out of that restriction? I call for a short recess.

The House recessed at 12:30 p.m.

RECESS

The House reconvened at 12:50 p.m.

Speaker Babauta: We are back to our plenary session and I now recognize Representative Joseph Deleon Guerrero.

Rep. Joseph Deleon Guerrero: Thank you Mr. Speaker, I have an oral floor amendment.

Speaker Babauta: Please proceed.

Rep. Joseph Deleon Guerrero: On page 2, line 3, after the words “from revenues collected in” strike out “~~the first quarter of~~” so it would read “collected in fiscal year 2008”. And then on line 4, after the word “follows” remove the colon add a comma and then the sentence “upon first allocating the revenues to the programs funded under Public Law 15-80, Public Law 15-65 and Public Law 15-79.”

Several members seconded the motion.

Representative Joseph P. Deleon Guerrero’s amendment reads, in part:

Section 2. Appropriation. Notwithstanding the limitations in 3 CMC §2177(a) through (d), there is hereby appropriated the sum of sixty thousand dollars (\$60,000) from revenues collected in ~~the first quarter of~~ Fiscal Year 2008 pursuant to 3 CMC § 2177 as follows: upon first allocating the revenues to the programs funded under PL 15-80, PL 15-65 and PL 15-79:

The motion to amend was seconded.

Speaker Babauta: Is everybody clear with the oral amendment? Meaning that we have to satisfy first what ever we have on § 2177 (a) through (d) then the building and the van would be purchased and the building would be fixed. That is the amendment that is implied. Discussion on the amendment.

Rep. Tenorio: It is a good amendment, Mr. Speaker, I just wonder how much money is involved with these three public laws?

Speaker Babauta: There is a balance. The Speaker would always assure you, my colleague, as I get also assurance from the proponents of the amendment. Yes, there will be that figure available. Ready?

Several members voiced “ready”.

Speaker Babauta: I call for a short recess.

The House recessed at 12:55 p.m.

RECESS

The House reconvened at 1:03 p.m.

Speaker Babauta: We are back to our plenary session. We are going to be voting on the oral floor amendment offered by Representative Joseph Deleon Guerrero.

The motion to adopt the oral floor amendment offered by Representative Joseph Deleon Guerrero was seconded and carried by voice vote.

Speaker Babauta: And we will continue to discuss H. B. NO. 15-300, HD1. Ready? I recognize Representative Yumul.

Rep. Yumul: Thank you. I just have a question on of the Director for the Community Guidance Center and the Transitional Living Center, are they one in the same or are they different?

Speaker Babauta: Does anyone know?

Rep. Tenorio: Actually the TLC is a place where the mentally ill people are located at.

Rep. Yumul: Yes, I know, but my question is the with regards to the Director. It is concerning Section 3 starting on line 9, because we are giving the authority to the Director of the Community and Guidance Center for both (a) and (b) and if they are not one in the same management then who is going to be --

Speaker Babauta: You are correct. The TLC is being housed under that same facility where the Community Guidance Center is. The TLC has its own advisory board. The Community Guidance Center falls directly under our Public Health Secretary.

Rep. Yumul: So the question is why is the expenditure authority not the Secretary of Public Health but instead the Director of the Community Guidance Center.

Speaker Babauta: That is a policy call that we wanted to address but since --

Rep. Tenorio: You know this is not a big project here we are not appropriating a half a million dollars and this is probably faster done under the direction of the directorship. You do not have to go up to the big boss.

Speaker Babauta: Besides it falls below the \$25,000 threshold primarily the repairs so it is faster to execute the project. Ready?

Several members voiced *ready*.

Speaker Babauta: Clerk, call the roll on H. B. No.15-300, HD1

The Clerk called the roll on the motion to pass H. B. NO. 15-300, HD1 on First and Final Reading:

Rep. Edwin P. Aldan	yes
Rep. Francisco S. Dela Cruz	yes
Rep. Florencio T. Deleon Guerrero	excused (absent)
Rep. Joseph P. Deleon Guerrero	yes (with reservations)
Rep. Jacinta M. Kaipat	excused (absent)
Rep. Jesus SN. Lizama	yes
Rep. Crispin M. Ogo	absent (during voting)
Rep. Arnold I. Palacios	yes
Rep. Justo S. Quitugua	yes
Rep. Benjamin B. Seman	absent (during voting)
Rep. Candido B. Taman	yes
Rep. Ramon A. Tebuteb	yes
Rep. Manuel A. Tenorio	yes
Rep. Stanley T. Torres	yes
Rep. Absalon V. Waki, Jr.	excused (absent)
Rep. Ray N. Yumul	yes
Rep. Oscar M. Babauta	yes

Speaker Babauta: With a vote of twelve “yes” H. B. NO. 15-300, HD1, passes the House on First and Final Reading. I now recognize the Floor Leader.

Floor Leader Pro Tem Lizama: Thank you, Mr. Speaker, a motion to recess subject to your call.

Speaker Babauta: Without objection from the members I will allow Representative Torres under Miscellaneous Business then we will recess.

MISCELLANEOUS BUSINESS

Speaker Babauta: I now recognize Representative Torres.

Representative Torres: Thank you Mr. Speaker and Members. Three days ago there was an article in newspaper of the *Marianas Variety* entitled, “Workers End up with Non-Existent Job”. Who is the Saipan agent processor for the employer and how the Labor processes a permit and issues it to them? We have people from the mainland China recruited by unlicensed recruiters and then forwarding the documents to Saipan and processed without our agency knowing who they are. When the time comes to locate these people, they do not know who they are. These people should be brought in with identification, a passport, if it is a CNMI resident or US citizen they should be known who are these

people representing that our Labor and Immigration does not know who they are after they release their working permit. There is something loose in our end, this is our fault on our end.

Speaker Babauta: Let me ask Chairman Yumul since he is part of the Committee on Commerce and Tourism to look into the policy of the hiring practice of businesses, the SOP for hiring of non-resident workers primarily from China.

Rep. Yumul: Mr. Speaker, the hiring of contract workers from China right now the Chinese government does not hire or have a direct relationship with employment agencies or even for that matter direct contact with employers here not like for example, the Philippines which has the Philippine Overseas Employment Services. What the Chinese government does instead is have an agreement with a private firm and I believe there are two firms that are authorized to--

Speaker Babauta: In China?

Rep. Yumul: Right, out of China that are authorized to process employment contracts.

Speaker Babauta: For the CNMI alone?

Rep. Yumul: Well, that I am not familiar with, but my understanding is we have an agreement with an economic firm. I will get you the name of that firm which is authorized to handle employment processing for employees coming to the CNMI and this is recognized by the US.

Speaker Babauta: CEDA.

Rep. Yumul: Yes, I believe so. But other than that I would have to do an in depth research and get back to you.

Speaker Babauta: I appreciate it that and can you get basic information and how does CEDA work here with the recruiters in China. You may continue, Representative Torres.

Rep. Torres: Mr. Speaker, I think the concern here is how did that working permit find its way to China for an unauthorized or would be a legal employee to come here to Saipan and unable to find his employer the CP Central Pacific Corporation. Our own Labor Department here does not know where they are. How can they receive an application to be processed for a permit and then release to somebody here? They should know which agent is submitting the document and then they should know who they are giving or to release it to.

Speaker Babauta: Pretty much Chairman Yumul has the idea as to what---

Rep. Torres: This is a great concern because it comes out on the paper almost every week.

Speaker Babauta: What needs to be asked is, do we require the appearance of the proprietor or some sort of business license attached to that request. If you may check with that, what is the SOP locally prior to issuing the permit. Under Miscellaneous I recognize Representative Tenorio.

Rep. Tenorio: I am just curious I thought they have the LIIDS Program that monitors all the movement of contract workers and if it is not working then something needs to be done about that. They should be monitoring them in terms of their movement. When they come in, who do they go to, their address and

telephone contacts. I am really surprised and the same of Representative Torres that these kinds of things are happening here when you allegedly have all the systems working and you have all kinds of people working at the Department of Labor and the Division of Immigration now. Starting from the Division of Immigration as they come in, they should come in with a valid passport, valid employment documents, and what have you. This thing is happening right underneath our noses. This is something that should be a big concern to us. Thank you.

Speaker Babauta: Thank you. Representative Torres, we will ask Representative Yumul to look into those issues. Thank you. The House stands recessed subject to the Call of the Chair.

ADJOURNMENT

The House adjourned at 1:19 p.m., subject to the Call of the Chair

Respectfully submitted,

Evelyn C. Fleming
House Clerk

APPEARANCE OF LOCAL BILLS

H. L. B. NO. 14-71: TO AMEND SECTION 2(C) OF SAIPAN LOCAL LAW NO. 15-12; AND FOR OTHER PURPOSES. [THIRD APPEARANCE]